

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RONALDUS HERMANUS THEODORUS OOSTERHOLT and
JOHANNES ANTONIUS JANSEN

Appeal 2007-0897
Application 09/741,926
Technology Center 2100

Decided: June 11, 2007

Before JAMES D. THOMAS, KENNETH W. HAIRSTON,
and ALLEN R. MACDONALD, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal involves claims 1 through 14. We have jurisdiction under 35 U.S.C. § § 6(b) and 134(a).

As best representative of the disclosed and claimed invention, independent claim 1 is reproduced below:

1. A device for presenting information units, comprising history means for storing references to presentable information units into a history list, the history means comprising:

user operable navigation means for changing a current position in the history list, and

presentation means for presenting an information unit referenced by the reference at the current position, and

compilation means for user operably compiling a set of references to desired information units, wherein the compiled set of references includes both previously viewed and un-viewed information units, and storing the references of said set according to the time of their inclusion into the history list so as to present an information unit referenced by the compiled set in response to a user operating said navigation means

The following references are relied on by the Examiner:

Horvitz	US 6,067,565	May 23, 2000 (Filed Jan. 15, 1998)
Kulkarni	US 6,310,630 B1	Oct. 30, 2001 (Filed Dec. 12, 1997)

Claims 1 through 14 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the Examiner relies upon Horvitz in view of Kulkarni.

Rather than repeat the positions of the Appellants and the Examiner, reference is made to the Brief and Reply Brief for Appellants' positions, and to the Answer for the Examiner's positions.

OPINION

For the reasons set forth by the Examiner in the Answer, as expanded upon here, we sustain the rejection of all claims on appeal under 35 U.S.C. § 103. Appellants present arguments only as to independent claims 1 and 7 collectively and present no arguments to us in the Brief and Reply Brief as to any dependent claim on appeal.

At the outset, to the extent recited in representative independent claim 1 on appeal, we first observe that Appellants' background discussion of the invention at Specification page 1, lines 10 through 21 indicates that prior art web-pages or the information units claimed were included in a history means that enabled the user to view previously presented pages and to permit navigation by using forward and backward buttons as well as direct selection from this history list. It was also recognized here that a web address could be entered and displayed and a currently displayed page be provided by the use of a well-known link. As will be shown with respect to each of the two references relied upon by the Examiner, they have correlated teachings to a well-known prior art browser where each reference is taught to maintain its version of the claimed history list.

As to Horvitz, the well-known Internet Explorer browser is discussed beginning at column 1. Pertinent figures to the issues presented here are figures 1, 5, 6, and 15A, 15B. The noted browser is discussed with respect to figure 1 beginning at the middle of column 7 to the bottom of column 9. It is significant to note that this browser permits selection among stored lists of addresses in the form of bookmarks with accessibility based upon clicking a mouse or using hot-links. The top of column 8 indicates that any new web

address may be entered by utilizing these hot-links appearing on a given displayed page or through selection among stored bookmarks or direct keyboard entry approaches similar to the disclosed invention. Prefetched pages are stored in a cache memory such as shown as element 656 in figure 6. The middle of column 21 through parts of column 24 discusses figures 5 and 6, the latter figure of which shows the well-known browser mentioned earlier.

Of particular significance is the discussion at column 40 with respect to figures 15A, 15B relied upon by the Examiner. Appellants' arguments beginning at page 8 of the principal Brief on appeal do not reflect the consideration of any of these teachings or the Examiner's reliance upon these and other portions of Horvitz. The allegations of the failure of Horvitz to teach certain claimed features are misplaced because, as the Examiner notes in the middle paragraph at page 6 of the Answer, this reference does teach at column 40 the bulk of the features alleged to have been taught there. These include the ability to jump forward or backward to specific pages that have been rendered after or before the current page, the ability to click an icon to jump to an identified web-page such as by a link, the ability to use a favorite icon to access one or more user favorite pages, the identification of a history file which is stated to be selectable through a main command category such as Go or tool bar functionalities such as File, Edit, Go and Favorites. Appellants' remarks in the Reply Brief in turn do not address any of the identified teachings at column 40 outlined by the Examiner and identified in the responsive arguments portion of the Answer at page 6.

In light of these remarks, in our assessment of Horvitz, it appears to use that Horvitz does teach such a claimed history list as recited in representative independent claim 1 on appeal. As such, it is not necessary then for the Examiner to state that the Examiner infers that such a history list contains a list of web-pages previously reviewed by the user. Based upon the teachings we have also identified ourselves, the artisan clearly would have found that Horvitz teaches the capability of storing the references of a set according to their time of their inclusion into the history list. Even still, the Examiner has identified in Kulkarni teachings that do indicate that it was well known in the art for storing such references according to the time of their inclusion as claimed.

From our review of Kulkarni in the paragraph bridging columns 1 and 2, it is stated there that prior art browsers track activities using a so-called linear history mechanism where pages visited are simply added to a linear list such that current pages are at the top of the list and pages appear in inverse chronological order thereafter. Subsequently, visited pages are said to be added to the top of this list. This teaching appears to also address the feature of storing the references to web-pages according to the time of their inclusion in the history. Significantly, it is noted at the middle of column 3 that the same internet browser, the Internet Explorer, was utilized as the basic teaching reference which has been modified according to Kulkarni's teachings that were additionally identified in Horvitz. The process showings of flow charts in figures 3 and 5 of Kulkarni and their associated columnar discussions are compelling as well of the obviousness of the subject matter of representative independent claim 1 on appeal. The discussion of these

figures interleave with the showing of a browsing history capability in figure 4 illustrating graphically the sequence or time sequence of file tabs such as in a card index or a notebook file tab with the capability of adding new data records associated with previously unvisited server cites. Again, like the teaching at the bottom of column 1 we identified earlier, the teaching identified by the Examiner at the bottom of column 6, lines 45-50, indicates that the browsing history may be outputted in an inverse chronological order such that the present page appears first then the pages previously visited appear in inverse order in which they were visited. There is an additional teaching beginning at line 50 of the ability of the system to order the browsing history by adding a date and time stamp portion to each listed entry.

Lastly, we treat Appellants' position beginning at page 11 of the principal Brief on appeal that there is no motivation to provide for modifying Horvitz with the teaching of Kulkarni.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1996). Furthermore, “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness’ [H]owever, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of

ordinary skill in the art would employ.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

The Examiner’s choice of references and explanation of combinability of them, as brief as it is, is compelling of the obviousness of the subject matter representative claim 1 on appeal. From the fact that both references relied upon by the Examiner utilize the same well-known browser, the Internet Explorer, it clearly would have been obvious for an artisan to have utilized the teachings of Kulkarni to enhance those identified teachings in Horvitz. Even the Examiner’s brief statement of obviousness, such that the combination would have allowed the users to view the browser history in chronological order is a powerful, compelling statement in and of itself. The additional teachings we have outlined here from both references, coupled with appellants’ own admissions of the state of the prior art we mentioned earlier, enhance and otherwise add depth of the understanding to this brief statement of combinability.

In view of the foregoing, the decision of the Examiner rejecting all claims on appeal under 35 U.S.C. § 103 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. §1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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